

REMARKS

The Official Action rejects claims 1-5 and 7-9 under 35 USC §102(b) as being anticipated by HORVATH 6,076,411. Reconsideration and withdrawal of this rejection are respectfully requested for the following reasons:

The Official Action states that regarding claims 1 and 7, the applied HORVATH reference discloses a method of rating brittleness of a coating substance for an intended use. With respect to the recited step of causing a test film piece formed by laminating a support with a coating substance to produce deformation, the Official Action refers to Figure 2, illustrating eight cable samples being tested to detect and measure cable insulation voids. With respect to the step of detecting acoustic emissions that the coating substance produces resulting from the deformation of the test film piece, the Official Action refers to the transducer 202 of the applied reference, which is described as converting the electrical signals from the signal transmitter 202a to acoustic signals, and converting reflected acoustic signals to electrical signals.

Applicant notes that the applied HORVATH reference has nothing to do with the subject matter of the present invention as claimed. The present invention refers to a brittleness rating method in which a test film piece is deformed by the application of a force and the acoustic emissions resulting therefrom are detected. It is important to note that in the detecting step of

claim 1 and in the acoustic emission detecting means of claim 7, the acoustic emission in question is produced by the coating substance resulting from the deformation.

This has utterly nothing in common with the ultrasound testing of the applied reference, the basis for which is described in column 8 of such reference. Beginning on line 10 thereof, a background of ultrasound testing is provided. Significantly, in the paragraph beginning on line 27, the reference states "an electro-mechanical transducer, such as a piezoelectric crystal, may be used to generate ultrasound waves for flaw detection." As is evident not only from this summary, but from all of the preceding and subsequent text in the applied reference, the acoustic emissions are generated by the testing equipment, not by a film under test.

Independent method claim 1 clearly recites "detecting acoustic emissions that said coating substance produces resulting from said deformation of said test film piece", and independent apparatus claim 7 similarly clearly recites "acoustic emission detecting means for detecting acoustic emissions that said coating substance produces resulting from said deformation of said test piece". These features of the present invention are neither anticipated nor rendered obvious by, nor are they even remotely related to the ultrasound testing of HORVATH, in which very high frequency waves are generated by a testing device and applied to a device under test to detect voids therein.

For these reasons, applicant respectfully suggests that the present claims of record are allowable over the art of record, and reconsideration and withdrawal of the present rejection are therefore respectfully requested.

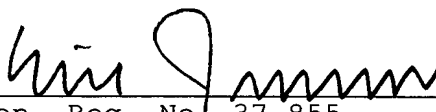
Through the present filing, applicant has neither added new claims nor amended existing claims. Accordingly, applicant respectfully suggests that if the next Official Action includes the rejection of one or more claims, such rejection be made non-final.

Should there be any matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

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